HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.920 of 2003 (MS)

Bhupendra Gusain s/o Shri Bachan Singh Gusain
R/o village Dang, P.O.Joshiyara,
District Uttarkashi ……Petitioner

Versus

1. Principal, Govt.P.G.College,Uttarkashi
2. Registrar, H.N.B. University, Srinagar Garhwal

……. Respondents

Sri Vinod Sharma, Advocate for the petitioner
Sri J.P. Joshi, advocate and Standing counsel for the respondents.

Dated: 18th September 2003

Hon'ble Rajesh Tandon J.

The petitioner has challenged the order-dated 28.8.2003 by which admission has been cancelled only on the ground that the petitioner has failed to appear on the date of interview to be held on 1st and 2nd August 2003. The petitioner has stated that after completion of B.Sc. examination from the same college, he submitted his form for admission in M.Sc. (Botany) on 16.7.2003 and since he was busy in his B.Ed. examination he could not appear in the interview.

From the reply notice dated 28.8.2003 it will appear as under

विश्वविदयालय तथा महाविदयालय प्रवेश नियमों के अनुसार प्रवेश हेतु अभ्यर्थी को स्वं मूल प्रमाण पत्रों सहित उपस्थित होना अनिवार्य हैं। संल्नक सं0 3 एवं 4 ।:

As will appear that for the year 2003-04 for admission in M.Sc. (previous) form was submitted by the petitioner well within time. The

admission has been deprived only on the ground that the petitioner did not appear on the date of interview.

Heard the learned counsel for the parties.

In my opinion if the petitioner was not otherwise eligible for admission according to the Rules and Regulations the College should have offered an opportunity to appear for interview. There was nothing to indicate any such opportunity was afforded to the petitioner.

However, the petitioner in these circumstances has prayed to file a fresh representation before the authorities for which the respondents have no objection.

Petitioner is permitted to move a representation before the Principal, Government P.G. College, Uttarkashi within 10 days from today. In case the representation is filed, the authorities of the College will consider it in accordance with the statute and Rules regarding admission, within two weeks after filing of the certified copy of this order.

With the above observations, the writ petition is finally disposed of.

(Rajesh Tandon, J.)

18.09.2003
Dhyani